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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The Following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT PANCHAYATS (AMENDMENT) BILL, 2021.

GUJARAT BILL NO. 5 OF 2021.

A BILL

further to amend the Gujarat Panchayats Act, 1993.

It is hereby enacted in the Seventy-second Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Panchayats (Amendment) Act, 2021.

**Short title and
commencement**

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

**Amendment
of section 227
of Guj. 18 of
1993.**

2. In the Gujarat Panchayats Act, 1993 (hereinafter referred to as “the principal Act”), in section 227, in sub-section (6),-

**Guj. 18 of
1993.**

- (1) clause (b) shall be deleted;
- (2) in clause (c), for the words “Scheduled Tribes and other backward classes”, the words “Scheduled Tribes, Socially and Educationally Backward Classes and Economically Weaker Sections” shall be substituted.

**Amendment
of section 236
of Guj. 18 of
1993.**

3. In the principal Act, in section 236,-

- (1) sub-sections (1) and (2) shall be deleted;
- (2) in sub-section (3), in clause (a), for the words “In Addition to the District Panchayat Service Selection Committee, the State Government”, the words “The State Government” shall be substituted;
- (3) in the marginal note, the words “District Panchayat Service Selection Committee and” shall be deleted.

STATEMENT OF OBJECTS AND REASONS

Section 227 of the Gujarat Panchayats Act, 1993 provides for the constitution of panchayat service. The Gujarat Panchayat Service Selection Board (hereinafter referred to as “the Board”) is established under section 235 of the said Act. The duty of the Board is to select candidates for recruitment to the posts in the panchayat service and to advise the panchayat in such matters as may be prescribed by rules. The District Panchayat Service Selection Committee (hereinafter referred to as “the Committee”) is established under section 236 of the said Act. The duty of the Committee is to select candidates for recruitment to the posts in the Panchayat service and to advise the panchayat in such matters as may be prescribed by rules. As such, recruitments to all posts in the panchayat service having pay band of Rs 5200-20,200 or above having corresponding grade pay not less than Rs 2800/- are being done by the Board, whereas other posts of the panchayat service Class III having grade pay less than Rs.2800/- are being made by the Committees of each district.

Presently, the Gujarat Public Service Commission mainly recruits Class-I and Class-II officers for the State Government, while the direct recruitment of Class III of the State Government employees, is carried out by the Gujarat Subordinate Services Selection Board.

Similarly, it is more appropriate to give all the powers to the Gujarat Panchayat Service Selection Board for recruitment of all cadres of Panchayat Seva Class III.

Presently, Committees of all the 33 districts have to initiate recruitment process separately which actually multiple the work and expenses and it is very difficult to maintain uniformity of selection process between committees of all the districts. It is also very difficult to co-ordinate with such committees with regard to the instructions, guidelines, clarifications, etc., issued by the Government. Further, sometimes unnecessary court cases arise when the guidelines / instructions of the Government is not followed by any Committee or there is a mistake in interpretation which create

some administrative, technical and legal issues due to different decisions made by different committees in the similar cases.

Direct recruitment process is a specialized and sensitive work. Instead of delegating such powers to the committees at each district level, the Gujarat Panchayat Service Selection Board should be empowered for recruitment of all cadres of panchayat service Class III in a centralized manner which shall bring uniformity in direct recruitment. This will also make the recruitment process fast, impartial and transparent with maintained necessary confidentiality.

Therefore, the State Government has considered it necessary to amend sections 227 and 236 of the Gujarat Panchayats Act, 1993.

This Bill seeks to amend the said Act to achieve the aforesaid objects.

JAYDRATHSINHJI PARMAR,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative power in the following respects:-

Clause 1.— Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the Official Gazette, the date on which the Act shall come into force.

The delegation of legislative power, as aforesaid, is necessary and is of a normal character.

Dated the 1st March, 2021.

JAYDRATHSINHJI PARMAR.

By order and in the name of the Government of Gujarat,

K. M. LALA,

Gandhinagar.

Secretary to the Government of Gujarat,

Dated the 1st March, 2021. Legislative and Parliamentary Affairs Department.
